

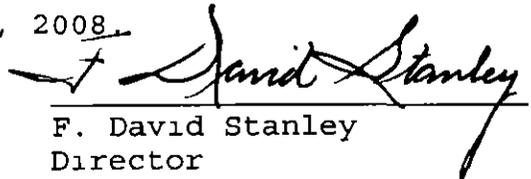
BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF	:	
W. SCOTT JEPSON	:	DEFAULT ORDER
TO PRACTICE AS A REGISTERED NURSE	:	
IN THE STATE OF UTAH	:	Case No. DOPL-2005-245

The attached Notice of Entry of Default and Recommended Order is hereby adopted by the Director of the Division of Occupational and Professional Licensing of the State of Utah Respondent's suspended license to practice as a registered nurse and any residual interest which Respondent may have to seek a reinstatement of that license is thus revoked, effective the date of this Order.

IT IS FURTHER ORDERED that the revoked license, both wall and wallet sizes, as well as any embossed certificate, thus be surrendered to the Division of Occupational and Professional Licensing.

Dated this 11 day of April, 2008.


F. David Stanley
Director

S E A L

Pursuant to Subsection 63-46b-11(3), Respondent may seek to set aside the above-stated default order by filing such a request with the Division consistent with the procedures outlined in the Utah Rules of Civil Procedure.

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NOTICE OF ENTRY
OF DEFAULT AND
RECOMMENDED ORDER

: Case No. DOPL-2005-245
:

BY THE ADMINISTRATIVE LAW JUDGE:

Pursuant to an October 11, 2005 Emergency Order, Respondent's nursing license was immediately suspended. Respondent filed an undated request for a hearing to vacate the suspension. The Division received that request on November 3, 2005. Based on agreement of the parties, the Court entered a November 23, 2005 Scheduling Order. The Order recites a hearing would be scheduled upon Respondent's written notice to the Division or his contact with the Court, either in writing or by telephone.

No notice from Respondent has been provided to the Division or the Court. The Division has filed a January 30, 2008 notice of agency action. The notice recites Respondent was required to file a response within thirty (30) days of the mailing date of the notice. The January 30, 2008 notice was sent by both certified mail and first class mail on January 31, 2008 to a last known address for Respondent of Provo, Utah 84601. The notice was also sent by both certified and first

class mail on January 31, 2008 to another possible address for Respondent of American Fork, Utah 84003.

The mailings to those two addresses were returned to the Division by postal authorities with a notation that the addressee had moved and left no address, no forwarding address was known and the mailings could not be forwarded

The Division subsequently identified another possible address for Respondent. The January 30, 2008 notice of agency action was thus sent by both certified and first class mail on March 10, 2008 to Sandy, Utah 84070. However, those mailings were returned to the Division on March 20, 2008 with a letter from Arron F. Jepson, who resides at the Sandy, Utah address. The letter recites Respondent does not live nor has he ever lived at that address. The letter also recites Respondent's current address is not known, his work address is unknown and there are no present means to contact Respondent, by telephone or otherwise.

Respondent has not filed a response in this proceeding. The Division thus filed an April 7, 2008 request for the entry of Respondent's default based on his failure to have filed a response. Utah Code Ann. §63-46b-11(1)(c) provides an order of default may enter if a respondent in a formal adjudicative proceeding fails to file a response.

The Court concludes the Division has duly attempted to provide Respondent with adequate notice of this proceeding. Given Respondent's failure to have filed a response to the January 30, 2008 Petition, the Court concludes a proper basis exists to enter Respondent's default and it is so entered

After the entry of a default order, §63-46b-11(4)(a) provides the presiding officer shall conduct further proceedings as necessary to complete the adjudicative proceeding without the participation of the party in default. §63-46b-11(4)(a) also provides a determination shall be made of all issues in the adjudicative proceeding, including those affecting the defaulting party.

The Court thus adopts the allegations set forth in Paragraphs (3) through (10) of the January 30, 2008 Petition as its Findings of Fact. The Court also adopts Paragraphs (11) and (12) as its Findings of Fact and Conclusions of Law.

Specifically, the Court concludes Respondent engaged in unprofessional conduct violative of §58-1-501(2)(b) when he withdrew and administered larger doses of narcotics than was specified in doctors' orders for various patients

Respondent also engaged in unprofessional conduct violative of §58-1-501(2)(g) when he administered narcotic doses which exceeded the usual amounts ordered as safe for patients and he gave inordinate amounts or different narcotics too quickly for

the medication effect to be evaluated before administering more medication. Moreover, Respondent withdrew significant amounts of medication from the Pyxis machine, he failed to account for that medication and he incorrectly charted patient care, thus placing patients at risk due to inaccurate records. Respondent thus engaged in unprofessional conduct by reason of gross incompetence, gross negligence or through a pattern of incompetency or negligence.

Accordingly, the Court concludes a proper factual and legal basis exists to enter a disciplinary sanction as to Respondent's license. Absent any matters offered in defense or mitigation, the Court concludes the Recommended Order set forth below is warranted.

One further matter should be addressed. The Court notes Respondent's license expired on January 31, 2007 when he failed to timely file a request to renew his license. §58-1-308(5)(a) provides.

Any license that is not renewed may be reinstated at any time within two years after nonrenewal upon submission of an application for reinstatement, payment of the renewal fee together with a reinstatement fee determined by the department under §63-38-3.2, and upon submission of documentation showing completion or compliance with renewal qualifications.

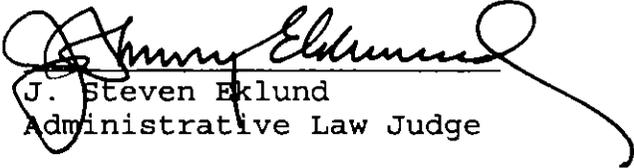
Respondent would generally have the opportunity to seek reinstatement of his license upon compliance with the requirements of §58-1-308(5)(a).

However, based on the entry of Respondent's default in this proceeding and the Recommended Order set forth herein, the Court concludes Respondent's residual rights under §58-1-308(5)(a) should also be revoked. The Court thus submits the following Recommended Order to the Division for its review and action:

RECOMMENDED ORDER

WHEREFORE, IT IS ORDERED Respondent's suspended license to practice as a registered nurse in this state and all residual interest which Respondent may have to seek a reinstatement of that license shall be revoked, effective the date this Recommended Order may be adopted.

I hereby certify the foregoing Notice of Entry of Default, Findings of Fact, Conclusions of Law and Recommended Order were submitted to F. David Stanley, Director of the Division of Occupational and Professional Licensing, on the 10th day of April, 2008 for his review and action.


J. Steven Eklund
Administrative Law Judge